

## CATEGORICAL EXCLUSION/DECISION RECORD

**Project Name:** R/W OR 65430 United States Cellular Operating Company of Medford, Ruch, OR  
**CE OR116-08-32**

**Location:** See description below and attached.

**BLM Office:** Ashland R.A., Medford District. Phone # (541) 261-3545

### DESCRIPTION OF THE PROPOSED ACTION:

The proposed action is to authorize a right-of-way grant to United States Cellular Operating Company of Medford (US Cellular) for use and maintenance/repair of an existing road segment to access a cell tower to be constructed on private property north of the market in Ruch, OR. This is an existing road approximately 12 feet wide, 3,500 feet long and contains 0.96 acres. If approved, this right-of-way grant would be authorized for thirty (30) years. The proposed right-of-way is located as follows:

T. 38 S., R.3 W.,  
SE¼ Section 22  
WM, Jackson County, Oregon.

### Required project design features:

1. Road maintenance activities will occur inside of cut and fill slopes only, i.e. no activities beyond the existing cut and fill slope limits. Activities outside this area will require surveys or pre-project evaluations for BLM Special Status Plants, Lichens and Fungi by a BLM Botanist.
2. Blading or grading of the road surface is not allowed during the period where yellow star-thistle (*Centaurea solstitialis*) has mature fruit, usually August and September.

### PLAN CONFORMANCE

The proposed action is in compliance with and is tiered to the *Medford District Record of Decision and Resource Management Plan* (RMP) as amended by the *Record of Decision To Remove the Survey and Manage Mitigation Measure Standards and Guidelines from the Bureau of Land Management Resource Management Plans Within the Range of the Northern Spotted Owl* (USDI 2007). The 1995 Medford District Resource Management Plan incorporated the *Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl and the Standards and Guidelines for Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl* (Northwest Forest Plan) (USDA and USDI 1994).

The proposed action is in conformance with the direction given for the management of public lands in the Medford District by the Oregon and California Lands Act of 1937 (O&C Act), Federal Land Policy and Management Act of 1976 (FLPMA), the Endangered Species Act (ESA) of 1973, the Clean Water Act of 1987, Safe Drinking Water Act of 1974 (as amended 1986 and 1996), Clean Air Act, and the Archaeological Resources Protection Act of 1979.

### CATEGORICAL EXCLUSION REVIEW

This proposed action qualifies as a categorical exclusion under 516 DM 11.9 E (16 and 17). The proposed action has been reviewed to determine if any of the exceptions described in 516 DM 2, Appendix 2 apply. The proposed action will:

**Yes No**  
( ) ☒  
( ) ☒

### Categorical Exclusion Exception

1. Have significant adverse effects on public health or safety.
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resource; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains

(Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.

- ( ) ☒ 3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)] not already decided in an approved land use plan.
- ( ) ☒ 4. Have highly uncertain and potentially significant environmental effects or unique or unknown environmental risks.
- ( ) ☒ 5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.
- ( ) ☒ 6. Have a direct relationship to other actions with individually insignificant, but significant cumulative environmental effects. (40 CFR 1508.7 and 1508.25(a)).
- ( ) ☒ 7. Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places.
- ( ) ☒ 8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.
- ( ) ☒ 9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.
- ( ) ☒ 10. Have disproportionate significant adverse impacts on low income or minority populations (Executive Order 12898).
- ( ) ☒ 11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).
- ( ) ☒ 12. Contribute to the introduction, continued existence, or spread of noxious weeds or nonnative invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).

<u>Leslie Voelkel</u>	<u>Realty Specialist</u>	<u>5-28-2008</u>
Prepared by	Title	Date

<u>Kristi Mastrofini</u>	<u>Environmental Coordinator</u>	<u>06/05/08</u>
Reviewed and Edited by	Title	Date

### **SUMMARY OF FINDINGS**

The proposed action has been reviewed against the twelve criteria listed above for an exception to a categorical exclusion and does not fall under any exception as identified. The proposed action qualifies as a categorical exclusion as provided in United States Department of the Interior Departmental Manual 516 DM 11.9 E (16 and 17). These sections allow for:

- “Acquisition of easements for an existing road or **issuance of leases, permits or rights-of-way for the use of existing facilities, improvements, or sites for the same or similar purposes.**” (E-16)
- “**Grants of short rights-of-ways for utility service or terminal access roads to an individual residence, outbuilding, or water well.**” (E-17).

### **DECISION**

Based on this NEPA CATEGORICAL EXCLUSION REVIEW, I have determined that the proposed action qualifies as a categorical exclusion under 516 DM 11.9 E (16 and 17) and involves no significant impact to the human environment and that no further environmental analysis is required. It is my decision to authorize the requested road R/W grant OR 65430 as described above in the Proposed Action.

  
\_\_\_\_\_  
John Gerritsma  
Field Manager; Ashland Resource Area

\_\_\_\_\_  
Date

6/27/08

### **EFFECTIVE DECISION DATE**

This decision is effective upon signing by the authorized officer and shall remain in effect pending any appeal (43 CFR Part 2801.10(b)).